

**§ 2203. Report on previous transfers**

Not later than 90 days after April 30, 1994, the President shall submit to the appropriate congressional committees a report describing any spoils of war obtained subsequent to August 2, 1990 that were transferred to any party, including any government, group, or person, before April 30, 1994. Such report shall be submitted in unclassified form to the extent possible.

(Pub. L. 103-236, title V, § 554, Apr. 30, 1994, 108 Stat. 482.)

**§ 2204. Definitions**

As used in this chapter—

(1) the term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, or, where required by law for certain reporting purposes, the Select Committee on Intelligence of the Senate and the Select<sup>1</sup> Committee on Intelligence of the House of Representatives;

(2) the term “enemy” means any country, government, group, or person that has been engaged in hostilities, whether or not lawfully authorized, with the United States;

(3) the term “person” means—

(A) any natural person;

(B) any corporation, partnership, or other legal entity; and

(C) any organization, association, or group; and

(4) the term “spoils of war” means enemy movable property lawfully captured, seized, confiscated, or found which has become United States property in accordance with the laws of war.

(Pub. L. 103-236, title V, § 555, Apr. 30, 1994, 108 Stat. 482.)

**CHANGE OF NAME**

Committee on Foreign Affairs of House of Representatives treated as referring to Committee on International Relations of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

**§ 2205. Construction**

Nothing in this chapter shall apply to—

(1) the abandonment or failure to take possession of spoils of war by troops in the field for valid military reasons related to the conduct of the immediate conflict, including the burden of transporting such property or a decision to allow allied forces to take immediate possession of certain property solely for use during an ongoing conflict;

(2) the abandonment or return of any property obtained, borrowed, or requisitioned for temporary use during military operations without intent to retain possession of such property;

(3) the destruction of spoils of war by troops in the field;

(4) the return of spoils of war to previous owners from whom such property had been seized by enemy forces; or

(5) minor articles of personal property which have lawfully become the property of individual members of the armed forces as war trophies pursuant to public written authorization from the Department of Defense.

(Pub. L. 103-236, title V, § 556, Apr. 30, 1994, 108 Stat. 483.)

**CHAPTER 40—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION**

Sec.

2301. Findings.

2302. Definitions.

**SUBCHAPTER I—DOMESTIC PREPAREDNESS.**

2311. Response to threats of terrorist use of weapons of mass destruction.

(a) Enhanced response capability.

(b) Report required.

2312. Emergency response assistance program.

(a) Program required.

(b) Coordination.

(c) Eligible participants.

(d) Involvement of other Federal agencies.

(e) Available assistance.

(f) Limitations on Department of Defense assistance to law enforcement agencies.

(g) Administration of Department of Defense assistance.

(h) Funding.

2313. Nuclear, chemical, and biological emergency response.

(a) Department of Defense.

(b) Department of Energy.

(c) Funding.

2314. Chemical-biological emergency response team.

(a) Department of Defense rapid response team.

(b) Addition to Federal response plan.

2315. Testing of preparedness for emergencies involving nuclear, radiological, chemical, and biological weapons.

(a) Emergencies involving chemical or biological weapons.

(b) Emergencies involving nuclear and radiological weapons.

(c) Annual revisions of programs.

(d) Options to transfer responsibility.

(e) Funding.

2316. Actions to increase civilian expertise.

(a) to (c) Omitted.

(d) Civilian expertise.

(e) Reports.

2317. Rapid response information system.

(a) Inventory of rapid response assets.

(b) Master inventory.

(c) Addition to Federal response plan.

(d) Database on chemical and biological materials.

(e) Access to inventory and database.

**SUBCHAPTER II—INTERDICTION OF WEAPONS OF MASS DESTRUCTION AND RELATED MATERIALS**

2331. Procurement of detection equipment for United States border security.

2332. Sense of Congress concerning criminal penalties.

(a) Sense of Congress concerning inadequacy of sentencing guidelines.

(b) Urging of revision to guidelines.

2333. International border security.

(a) Secretary of Defense responsibility.

(b) Funding.

<sup>1</sup> So in original. Probably should be preceded by “Permanent”.

Sec.

- (c) Assistance to states of former Soviet Union.

**SUBCHAPTER III—CONTROL AND DISPOSITION OF WEAPONS OF MASS DESTRUCTION AND RELATED MATERIALS THREATENING THE UNITED STATES**

2341. Elimination of plutonium production.  
 (a) Replacement program.  
 (b) Program requirements.  
 (c) Submission of program plan to Congress.

**SUBCHAPTER IV—COORDINATION OF POLICY AND COUNTERMEASURES AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION**

2351. National Coordinator on Nonproliferation.  
 (a) Designation of position.  
 (b) Duties.  
 (c) Allocation of funds.
2352. National Security Council Committee on Nonproliferation.  
 (a) Establishment.  
 (b) Membership.  
 (c) Responsibilities.
2353. Comprehensive preparedness program.  
 (a) Program required.  
 (b) Content of program.  
 (c) Report.
2354. Termination.

**SUBCHAPTER V—MISCELLANEOUS**

2361. Sense of Congress concerning contracting policy.
2362. Transfers of allocations among cooperative threat reduction programs.
2363. Sense of Congress concerning assistance to states of former Soviet Union.
2364. Purchase of low-enriched uranium derived from Russian highly enriched uranium.  
 (a) Sense of Congress.  
 (b) Actions by Secretary of State.
2365. Sense of Congress concerning purchase, packaging, and transportation of fissile materials at risk of theft.
2366. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.  
 (a) Reports.  
 (b) Form of reports.
2367. Annual report on threat posed to United States by weapons of mass destruction, ballistic missiles, and cruise missiles.  
 (a) Annual report.  
 (b) Consultation.  
 (c) Matters to be included.  
 (d) Classification.

**§ 2301. Findings**

Congress makes the following findings:

(1) Weapons of mass destruction and related materials and technologies are increasingly available from worldwide sources. Technical information relating to such weapons is readily available on the Internet, and raw materials for chemical, biological, and radiological weapons are widely available for legitimate commercial purposes.

(2) The former Soviet Union produced and maintained a vast array of nuclear, biological, and chemical weapons of mass destruction.

(3) Many of the states of the former Soviet Union retain the facilities, materials, and technologies capable of producing additional quantities of weapons of mass destruction.

(4) The disintegration of the former Soviet Union was accompanied by disruptions of com-

mand and control systems, deficiencies in accountability for weapons, weapons-related materials and technologies, economic hardships, and significant gaps in border control among the states of the former Soviet Union. The problems of organized crime and corruption in the states of the former Soviet Union increase the potential for proliferation of nuclear, radiological, biological, and chemical weapons and related materials.

(5) The conditions described in paragraph (4) have substantially increased the ability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials and technologies from within the states of the former Soviet Union and from unemployed scientists who worked on those programs.

(6) As a result of such conditions, the capability of potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greater than at any time in history.

(7) The President has identified North Korea, Iraq, Iran, and Libya as hostile states which already possess some weapons of mass destruction and are developing others.

(8) The acquisition or the development and use of weapons of mass destruction is well within the capability of many extremist and terrorist movements, acting independently or as proxies for foreign states.

(9) Foreign states can transfer weapons to or otherwise aid extremist and terrorist movements indirectly and with plausible deniability.

(10) Terrorist groups have already conducted chemical attacks against civilian targets in the United States and Japan, and a radiological attack in Russia.

(11) The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken seriously.

(12) There is a significant and growing threat of attack by weapons of mass destruction on targets that are not military targets in the usual sense of the term.

(13) Concomitantly, the threat posed to the citizens of the United States by nuclear, radiological, biological, and chemical weapons delivered by unconventional means is significant and growing.

(14) Mass terror may result from terrorist incidents involving nuclear, radiological, biological, or chemical materials.

(15) Facilities required for production of radiological, biological, and chemical weapons are much smaller and harder to detect than nuclear weapons facilities, and biological and chemical weapons can be deployed by alternative delivery means other than long-range ballistic missiles.

(16) Covert or unconventional means of delivery of nuclear, radiological, biological, and chemical weapons include cargo ships, passenger aircraft, commercial and private vehicles and vessels, and commercial cargo shipments routed through multiple destinations.

(17) Traditional arms control efforts assume large state efforts with detectable manufac-